

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FLOYD D. BROOKS,

Petitioner

v.

//

CIVIL ACTION NO. 1:06CV153
(Judge Keeley)

STATE OF MARYLAND,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 6, 2006, pro se petitioner, Floyd D. Brooks, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

On May 9, 2007, Magistrate Judge Seibert issued a Report and Recommendation recommending that Brooks' petition be denied. The Magistrate Judge determined that Brooks had failed to pay the \$5.00 filing fee as directed in the "Notice of Filing Fee Deficiency" filed on October 11, 2006. The Notice of Filing Fee Deficiency also warned Brooks that failure to pay the filing fee or submit the required forms within thirty (30) days could result in dismissal of his case without prejudice.

Accordingly, Magistrate Judge Seibert recommended that the petitioner's § 2241 petition be **DENIED** for failure to pay the required filing fee or file the required forms to proceed without

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prepayment of fees. The Report and Recommendation also specifically warned that failure to object to the report and recommendation would result in the waiver of any appellate rights on this issue. Nevertheless, Brooks failed to file any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **DENIES** the Petition for Writ of Habeas Corpus (docket no. 1) and **ORDERS** the case **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se petitioner and to transmit copies of this Order to counsel of record.

Dated: June 8, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Brooks' failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).